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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,373	12/12/2001	Eric Rosen	010558	2149
23696 7590 01/02/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER BHATTACHARYA, SAM	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 01/02/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/020,373	Applicant(s) ROSEN ET AL.	
	Examiner Sam Bhattacharya	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/2/07 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-24, 26-29, 31-34, 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta (US 6,407,986) in view of Rao (US 6,272,334) and Wiberg et al. (US 6,628,946 B1).

Regarding claims 21, 26, 31 and 36, Dutta discloses an apparatus and method for delivering information to a mobile station 110 in a group communication network, including a transmitter and receiver 176 that communicates information over a network, processor SPP coupled with the receiver and the transmitter, the processor encapsulates the information inside a frame, forwards the frame to a server 140 for delivery to the mobile station, and causes the server

to extract the information from the frame and deliver the information to the mobile station on a forward common channel. See FIGS. 1 and 2, and col. 8, lines 26-50.

Dutta fails to disclose a communication network for push-to-talk communication.

However, in an analogous art, Rao discloses call management communication system for push-to-talk communication in which a group identification number is extracted from a data message. See FIG. 1, col. 3, lines 44-64 and col. 5, lines 29-35. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method in Dutta by incorporating them into a push-to-talk communication network, as taught by Rao, for the purpose of enabling processing of dispatch communications of different groups of mobile stations by a single cell switching system.

Dutta and Rao fails to disclose that the information is received by all mobile stations monitoring the forward common channel. However, Wiberg discloses this limitation in col. 8, lines 11-34. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method in Dutta and Rao by incorporating this feature as taught by Wiberg for the purpose of ensuring that the all the mobile stations can select to receive the extracted information.

Regarding claims 22, 27, 32 and 37, the combination of Dutta and Rao fails to specifically disclose delivering information when the mobile station is in idle state with no traffic channel. In an analogous art, Wiberg et al. disclose a system for broadcasting information in a mobile network in which information is delivered to a mobile station when the mobile station is in idle state with no traffic channel. See col. 17, lines 61-64 and col. 18, lines 6-11. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify the delivering step in the combination of Dutta and Rao by delivering when the mobile station is in idle state, as taught by Wiberg et al., so that the mobile station does not need to repeatedly access the information at a remote location and consume unnecessary radio resources.

Regarding claims 23, 24, 28, 29, 33, 34, 38 and 39, Dutta fails to disclose that the forward common channel is a control or paging channel.

However, Wiberg et al. disclose a system for broadcasting information in a mobile network in which base station transmits frames to a mobile station over a control or paging channel. See col. 3, lines 24-49 and col. 13, lines 3-23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in the combination of Dutta and Rao by delivering the information over a control or paging channel, as taught by Wiberg et al., so that system data in the frames can be used to establish connection of call communication with the mobile station.

3. Claims 25, 30, 35 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of Rao and Wiberg, and further in view of Sayeedi (US Patent Application Publication No. 2002/0145990 A1).

Regarding claims 25, 30, 35 and 40, the combination of Dutta, Rao and Wiberg fails to disclose delivering the information on the common channel in short data burst form.

Sayeedi discloses delivering information from a base station to a mobile station on a common control channel in short data burst form. See claim 2, lines 4-7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the

delivering step in the combination of Dutta, Rao and Wiberg by using a short data burst on the common control channel as taught by Sayeedi so that a minimal amount of bandwidth is used on the channel and traffic channels are not used up unnecessarily.

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicant's assertions. Applicant did not address the newly cited limitation with respect to Wiberg. Upon closer inspection, Wiberg is found to disclose the MS 30 monitoring the master control channel, which corresponds to the claimed forward common channel. The MS 30 can be the only mobile station monitoring the channel. See col. 9, lines 11-34 in Wiberg. Accordingly, the combination of Dutta, Rao and Wiberg teaches the limitations of the independent claims, as amended.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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